

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE SAN FRANCISCO 49ERS DATA  
BREACH LITIGATION

Case No. [3:22-cv-05138-JD](#)

**ORDER RE CONSOLIDATION**

Plaintiffs in three putative class actions have sued defendant 49ers Enterprises, LLC, d/b/a The San Francisco 49ers, over a data breach incident that occurred in February 2022. *See Donelson v. 49ers Enters., LLC*, No. 3:22-cv-05138-JD, Dkt. No. 1; *Sampson v. 49ers Enters., LLC*, No. 3:22-cv-09077-JD, Dkt. No. 1; *Finch v. 49ers Enters., LLC*, No. 3:23-cv-00109-JD, Dkt. No. 1.<sup>1</sup> Plaintiffs state, and the record indicates, that these actions involve common questions of law and fact, arise from the same events, involve the same defendant, and assert overlapping claims and putative classes. *See, e.g., Donelson*, Dkt. No. 23 at 3. Consequently, these cases are ordered to be consolidated into a single action as follows.

**CONSOLIDATION OF RELATED CASES**

1. This order applies to these cases:

- a. 3:22-cv-05138-JD
- b. 3:22-cv-09077-JD
- c. 3:23-cv-00109-JD

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<sup>1</sup> The parties have advised the Court that a fourth putative class action that may relate to the same data breach incident is pending before another judge in this District, *see Brent v. Forty Niners Football Co., LLC*, No. 5:23-cv-00333-JSC, but they have not yet filed a motion to relate.

2. Pursuant to Federal Rule of Civil Procedure 42(a), these cases are consolidated into Civil Action No. 22-5138 for all pretrial proceedings before this Court. All filings and submissions from here on will be captioned: “*In re San Francisco 49ers Data Breach Litigation*” under the 3:22-cv-05138-JD case number.

3. All other underlying cases will be administratively closed by the Clerk of Court.

4. If a related action is subsequently filed in or transferred to this District, it will be consolidated into this action for all pretrial purposes. This order will apply to every new related action, without further order of the Court. A party that objects to consolidation, or to any other provision of this order, may file an application for relief within 14 days after an order relating cases is filed.

5. This order is entered without prejudice to the rights of any party to apply for severance of any claim or action, for good cause shown.

6. Pretrial consolidation does not mean that the actions will necessarily be consolidated for trial. That issue will be decided later in the case. It also does not have the effect of making any entity a party in any action in which he, she, or it has not been named, served, or added in accordance with the Federal Rules of Civil Procedure.

### MASTER DOCKET

7. The docket in Civil Action No. 22-5138 will constitute the master docket, and the file in that action will be the master file for every action in the consolidated action.

8. When a pleading applies to some, but not all, of the member actions, the document must list the case number for each individual action to which the document applies immediately under the master caption. Any document not identified in that way will be presumed to apply to all member cases.

9. The parties must promptly file a motion to relate pursuant to Civil Local Rule 3-12 whenever a case that should be consolidated into this action is filed in, or transferred to, this District. If the Court determines that the case is related, the Clerk of the Court is requested to:

- a. file a copy of this order in the separate file for such action;
- b. serve on plaintiff’s counsel in the case a copy of this order;

1 c. direct that this order be served upon defendants in the new case; and

2 d. make the appropriate entry in the master docket (No. 3:22-cv-05138-JD).

3 10. If there are any disputes about whether a new action should be related to this  
4 consolidated action, they must promptly be brought to the Court's attention or any objection may  
5 be deemed waived.

6 **FURTHER PROCEEDINGS**

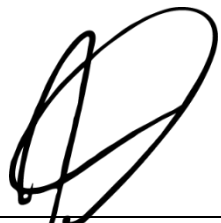
7 11. Plaintiffs are directed to file a consolidated complaint by March 24, 2023.

8 12. The parties have advised the Court that they have reached a settlement and are in  
9 the process of preparing a formal agreement. *See Donelson*, Dkt. No. 23 at 3. Plaintiffs have  
10 indicated that they will file a motion for preliminary approval of a class settlement within 30 days  
11 of filing their consolidated complaint.

12 13. At the parties' joint request, 49ers Enterprises is not required to respond to the  
13 consolidated complaint pending the filing and disposition of the motion for preliminary approval,  
14 and the case management conferences in the consolidated cases are vacated pending further order.

15 **IT IS SO ORDERED.**

16 Dated: February 23, 2023

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20 JAMES DONATO  
21 United States District Judge  
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